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CLERK OF DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: _____

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AUSTIN RICHEY,

Plaintiff,

v.

SHARON OWENS, et al.,

Defendants.

Case No. CV 12-6798 UA

(PROPOSED)

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION
AND DENYING REQUEST FOR
TEMPORARY RESTRAINING
ORDER

The Court will remand this unlawful detainer action to state court summarily because Defendant removed it improperly.

On August 7, 2012, Defendant Sharon Owens, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court together with what appears to be a request for a temporary restraining order, and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, Plaintiff could not have brought this action in federal court in the first place, in that Defendant does not competently allege facts supplying either

1 diversity or federal-question jurisdiction, and therefore removal is improper.
2 28 U.S.C. § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S. 546,
3 563, 125 S. Ct. 2611, 162 L.Ed.2d 502 (2005). Even if complete diversity of
4 citizenship exists, the amount in controversy alleged does not exceed the diversity-
5 jurisdiction threshold of \$75,000. See 28 U.S.C. §§ 1332, 1441(b).

6 Nor does Plaintiff's unlawful detainer action raise any federal legal question.
7 See 28 U.S.C. §§ 1331, 1441(b).

8 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
9 Superior Court of California, Los Angeles County, Pomona Courthouse North, 350
10 W. Mission Blvd., Pomona, CA 91766, for lack of subject matter jurisdiction
11 pursuant to 28 U.S.C. § 1447(c); (2) the Clerk send a certified copy of this Order to
12 the state court; and (3) the Clerk serve copies of this Order on the parties.

13 In light of the foregoing, IT IS FURTHER ORDERED that Defendant's
14 request for a temporary restraining order is denied as moot.

15 IT IS SO ORDERED.

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17 DATED: August 7, 2012

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20 HONORABLE AUDREY B. COLLINS
21 CHIEF UNITED STATES DISTRICT JUDGE

22 Presented by

23
24 /s/

25
26 Honorable Jacqueline Chooljian
27 UNITED STATE MAGISTRATE JUDGE
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